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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

NAVADA N. FOSTER

CIVIL ACTION NO. 07-1519

VERSUS

JUDGE ROBERT G. JAMES

OUACHITA CORRECTIONAL CENTER,
ET AL.

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

On January 30, 2008, the Court instructed Petitioner Navada N. Foster to amend his complaint within sixty (60) days. [Doc. No. 5]

On May 9, 2008, the Court issued an Order to Show Cause why the case should not be dismissed for Foster's failure to amend his complaint. [Doc. No. 7]

On May 28, 2008, Foster mailed a Notice of Change of Address [Doc. No. 13], which was inadvertently misplaced by the Clerk's Office and was not docketed until August 27, 2008.

On June 23, 2008, the Court issued a Memorandum Ruling [Doc. No. 9] and Judgment [Doc. No. 10], dismissing the case for failure to prosecute.

The Court's Order to Show Cause, Memorandum Ruling, and Judgment were mailed to Foster's previous address and returned as undeliverable.


On August 27, 2008, the Court was informed of the docketing error.

Accordingly, IT IS HEREBY ORDERED that the Court's Memorandum Ruling and Judgment [Doc. Nos. 9 & 10] are VACATED and SET ASIDE. *See* FED. R. CIV. P. 60(b)(6) (permitting the Court to set aside a judgment for "any other reason that justifies relief").

IT IS FURTHER ORDERED that the cause of action is reinstated.

IT IS FURTHER ORDERED that Foster is permitted thirty (30) days to amend his complaint to provide additional facts about how Defendants' policies interfered with his religious practices as previously instructed [Doc. No. 5]. If Foster fails to amend his complaint within the time allowed, the Court will dismiss the case for failure to prosecute. *See* FED. R. CIV. P. 41(b).

MONROE, LOUISIANA, this 27 day of August, 2008.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE